IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION (L) NO. 1316 OF 2005

U. Venkatesh Acharya ..Petitioner.

Versus

State of Maharashtra & Ors. ..Respondents.

Mr.Khandeparkar with Mr. A.V. Pawaskar for Petitioner.
Mr.N. N. Bhandrashete for Respondent Nos.3 and 4.

CORAM: DALVEER BHANDARI, C.J. &
S.J. VAZIFDAR, J.

DATE : JUNE 14, 2005

P.C.

1. Petitioner has preferred this Writ Petition with the following prayers :

(a) "This Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ order or direction under Article 226 of the Constitution of India directing 3rd Respondent to accept the petitioner's resignation and relieve the petitioner from the

services during the pendency of enquiry proceedings against the petitioner which have been commenced by the charge sheet;

(b) in the alternative to prayer clause (a), this Hon'ble Court be pleased to issue a writ of mandamus or a writ in the nature of mandamus or any other appropriate writ order or direction under Article 226 of the Constitution of India directing the 3rd Respondent to expedite enquiry completing the same within the stipulated time span;

(c) pending the hearing and final disposal of this Petition, this Hon'ble Court be pleased to restrain the Respondents from withholding the Petitioner's sustenance allowance during the period of suspension"

2. Following charges were framed against the Petitioner :

1. Gross negligence in performance of duties.
2. Committing an act prejudicial to the interest of the Bank.
3. Committing an act subversive of discipline of the Bank.
4. Committing breach of Rules applicable to the Bank.

5. Dishonestly in connection with the business of the Bank.

3. The learned Counsel for the Respondents submit that the enquiry against the Petitioner is in progress. The learned Counsel for the Respondents fairly submits that all efforts would be made to conclude the enquiry as expeditiously as possible and in any event within two months from today provided the Petitioner fully co-operates with the Respondent. The learned Counsel for the Respondent also submits that whatever is legitimately due and payable to the Petitioner would be paid to him within two weeks from today.

4. In view of the statement of the learned Counsel for the Respondent, Counsel for the Petitioner does not press the Petition. Consequently, the Petition is dismissed as not pressed.

CHIEF JUSTICE

S.J. VAZIFDAR, J.